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removing a predetermined amount of phytic acid contained in said hydrolyzed proteins and/or saccharides.

REMARKS

Applicant has amended claims 1, 2 and 5. Applicant respectfully submits that these amendments to the claims are supported by the application as originally filed, particularly at page 5, lines 3-8 and page 12, lines 23-27. Therefore, Applicant respectfully submits that these amendments to the claims do not contain any new matter.

In addition, attached herewith is an excerpt from an article concerning resistant starch. Based upon this article, Applicant respectfully submits that the term "resistant starch" is well-known in the art by one of ordinary skill in the art. ✓

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

In view of the above, therefore, it is respectfully requested that this Preliminary Amendment be entered, favorably considered and the case passed to issue.

Please charge any additional costs incurred by or in order to implement this Amendment or required by any requests for extensions of time to KODA & ANDROLIA DEPOSIT ACCOUNT NO. 11-1445.

Respectfully submitted,

KODA & ANDROLIA

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Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office Fax No. (703) 872-9306 on January 9, 2002.

William L. Androlia

Name

1/9/2002

Signature

Date

Application No. 09/284,935

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claim 1 (twice amended) has been amended as follows:

1. (Thrice Amended) A beneficial microorganism propagation-promoting material which promotes propagation of a beneficial microorganism that helps to sustain the health of living beings, said material being obtained by steps of inoculating koji mold on solid form grains to create a koji preparation resultant, adding a maximum of 50% by weight of water to said resultant to thereby hydrolyze proteins and/or saccharides contained in said resultant, during said hydrolysis said koji mold and beneficial microorganisms contained in said resultant and/or added to the resultant are symbiotic in the resultant and propagation of said beneficial microorganisms is promoted when the beneficial microorganisms receives nutrients from the resultant so that said koji mold and said beneficial microorganisms are cultivated together in said resultant, and removing a predetermined amount of phytic acid contained in said grains.

Claim 2 (twice amended) has been amended as follows:

2. (Thrice Amended) A beneficial microorganism propagation-promoting material obtained from the steps comprising [a mixture of]:
mixing together a product for promoting propagation of beneficial microorganisms and a resistant starch; and wherein
[a] said product for promoting [a] propagation of beneficial microorganisms that help to sustain the health of living beings is obtained by inoculating koji mold on solid form grains to create a koji preparation resultant, adding a maximum of 50% by weight of water to said resultant to thereby hydrolyze proteins and/or saccharides contained in said resultant, during said hydrolysis said koji mold and said beneficial microorganisms contained in said resultant and/or added to the resultant are symbiotic in the resultant and propagation of said beneficial microorganisms is promoted when said beneficial microorganisms receive nutrients from the resultant so that said koji mold and said beneficial microorganisms are cultivated together in said resultant, and removing a predetermined amount of phytic acid contained in said grains; and

said resistant starch [becoming] becomes a nutrient of lactic acid bacteria that [can grow] grows in the intestines of [domestic] animals.

Claim 5 (twice amended) has been amended as follows:

5. (Thrice Amended) A process for preparing a beneficial microorganism propagation-promoting material which promotes propagation of a beneficial microorganism that helps to sustain the health of living beings, said process comprising the steps of:

inoculating koji mold on solid form grains to create a koji preparation resultant, adding a maximum of 50% by weight of water to said resultant to thereby hydrolyze proteins and/or saccharides contained in said resultant, during said hydrolysis said koji mold and said beneficial microorganisms contained in said resultant and/or added to said resultant are symbiotic in the resultant and propagation of said beneficial microorganisms is promoted when said beneficial microorganisms receive nutrients from said resultant so that said koji mold and said beneficial microorganisms are cultivated together in said resultant, and

removing a predetermined amount of phytic acid contained in said hydrolyzed proteins and/or saccharides.

Resistant starch, background and emerging issues

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The term "Resistant Starch" (RS) was coined in the early 1980's by Hans
Englyst, who found that some of the starch in food samples resisted
degradation by α -amylase and analyzed as Dietary Fibre.